

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: Charlotte Livingston,	:	
	:	Bankruptcy No. 16-70782JAD
	:	
	:	Related Dkt. Nos. 62 and 70
<i>Debtor(s)</i>	:	
	:	

ORDER CONVERTING CASE UNDER CHAPTER 13
TO CASE UNDER CHAPTER 7, SETTING DEADLINES,
SCHEDULING STATUS CONFERENCE, AND
TERMINATING WAGE ATTACHMENT

After a hearing on July 27, 2018 and in accordance with 11 U.S.C. §1307(a) converting a case to a case under chapter 7 of the Bankruptcy Code (title 11 of the United States Code).

It is **ORDERED, ADJUDGED, and DECREED** that:

- (1) Any party-in-interest that challenges the good faith of the conversion shall, on or before August 24, 2018, file a motion setting forth the basis of the challenge and specifically identifying the relief requested in the event conversion is found not to have been made in good faith.
- (2) The wage attachment(s) issued in this case are immediately **TERMINATED**. The Debtor shall serve a copy of this order on the employer(s).
- (3) **No later than August 10, 2018**, the Debtor shall file a schedule of all unpaid debts incurred after the commencement of the Chapter 13 case and before conversion. *Bankruptcy Rule 1019(5)(B)(i)*.
- (4) **No later than August 10, 2018**, the Debtor shall file the statements and schedules required by *Bankruptcy Rules 1019(1)(A)* and *1007(b)*, if such documents have not already been filed.
- (5) **No later than August 28, 2018**, the Debtor shall file a statement of intention with respect to retention or surrender of estate property which secures a debt, as required by 11 U.S.C. §521(a)(2), *Bankruptcy Rule 1019(1)(B)*, and conforming to *Official Form 108*.
- (6) The Chapter 13 trustee forthwith shall turn over to the Chapter 7 trustee all records and property of the estate remaining in the chapter 13 trustee's custody and control,

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as required by *Bankruptcy Rule 1019(4)*, except that any remaining funds that do not constitute property of the chapter 7 estate shall be returned to the Debtor.

- (7) ***Within 60 days*** of the date of this Order, the Chapter 13 trustee shall file an accounting of all receipts and distributions made. Jurisdiction over the Chapter 13 trustee's certification of disbursements of funds and final report and account remains assigned to the Honorable Jeffery A. Deller Bankruptcy Judge.
- (8) ***No later than August 28, 2018***, the Debtor shall, if the case is converted after the confirmation of a plan, file:
 - (a) a schedule of all property not listed in the final report and account of the Chapter 13 trustee which was acquired after the commencement of the Chapter 13 case but before the entry of this conversion order, *Bankruptcy Rule 1019(5)(C)(i)*;
 - (b) a schedule of unpaid debts not listed in the Chapter 13 trustee's final report and account, *Bankruptcy Rule 1019(5)(C)(ii)*; and,
 - (c) a schedule of executory contracts and unexpired leases entered into or assumed after the commencement of the Chapter 13 case but before the entry of this conversion order, *Bankruptcy Rule 1019(5)(C)(iii)*.

The schedule of claimants under (b) of this paragraph shall be filed by entering additional claimants into the CM/ECF system via "Creditor Maintenance." A list of said claimants shall be attached to the Bankruptcy Rule 1019 Report.

It is **FURTHER ORDERED** that if the Debtor fails to file the documents required by this Order and Bankruptcy Rule 1019 by the aforesaid dates, a status conference shall be held on **September 6, 2018 at 11:00 AM**, in Courtroom B, Penn Traffic Building, 319 Washington Street, Johnstown, PA 15901*, to determine whether additional relief is necessary to compel compliance with the terms of this Order.

It is **FURTHER ORDERED** that the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*. If the reports and schedules per Paragraphs 3, 8(b) and 8(c) of this Order are filed in time for the Clerk to include post-petition creditors in the §341 notice mailing, the Clerk shall so include the post-petition creditors in that mailing. If said report and schedules are not filed in time for inclusion of the post-petition creditors in the §341 notice mailing, ***within ten (10) days of the filing of said report and schedules***, the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*.

It is **FURTHER ORDERED** that ***within forty-five (45) days*** of this Order, all Chapter 13 fee petitions by any professional shall be self-scheduled and filed with the Clerk of the Bankruptcy


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Court. The fee petition shall be captioned "Chapter 13 Fee Petition in Converted Case" and the hearing shall be self-scheduled on Judge Deller's chapter 13 motions calendar.

It is **FURTHER ORDERED** that *within five (5) days* hereof Counsel for Debtor shall **IMMEDIATELY SERVE** a copy of this Order on all creditors in the above case and shall *file a Certificate of Service* with the Clerk of the Bankruptcy Court.

It is **FURTHER ORDERED** that the Court retains jurisdiction over the Chapter 13 Trustee's Report of Receipts and Disbursements and Final Report and Account. Upon submission of the UST Form 13-FR-S: Chapter 13 Trustee's Final Report and Account, the Chapter 13 Trustee is discharged from her duties in this case

Dated: 7/27/2018


Jeffery A. Deller sjk
United States Bankruptcy Judge

Case Administrator to serve:
Ronda J. Winnecour, Esq.
3250 U.S. Steel Tower
Pittsburgh, PA 15219

Debtor
Counsel for Debtor
Office of the U.S. Trustee

* NOTE: Video Conferencing equipment has been installed in Courtroom B in Johnstown, Pennsylvania and also in Courtroom D in Pittsburgh, Pennsylvania. Counsel can appear before the Court in either location.

FILED
7/27/18 4:21 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

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Certificate of Notice Page 4 of 4
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Charlotte Livingston
Debtor

Case No. 16-70782-JAD
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-7

User: dkam
Form ID: pdf900

Page 1 of 1
Total Noticed: 2

Date Rcvd: Jul 27, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 29, 2018.

db +Charlotte Livingston, 421 East Penn Street, Bedford, PA 15522-1436
+Ronda J. Winnecour, Esq, Suite 3250, USX Tower, Pittsburgh, PA 15219-2719

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 29, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 27, 2018 at the address(es) listed below:

Donald M. Hahn on behalf of Debtor Charlotte Livingston dhahn@nittanylaw.com
James Warmbrodt on behalf of Creditor Deutsche Bank National Trust Company as successor
Trustee to Bankers Trust Company of California, N.A., as Trustee for Home Equity Mortgage Loan
Asset-Backed Trust, Series SPMD 2002-A, Home Equity Mor bkgroup@kmlawgroup.com
Lisa M. Swope lms@nsslawfirm.com, mmh@nsslawfirm.com;klw@nsslawfirm.com/pa73@ecfcbis.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5